

Truro Police Department

USE OF COOPERATING INDIVIDUALS

Policy Number: OPS 6.23

Effective Date: Feb 27, 2002

REFERENCE:

Revised Date: September 16, 2003

Accreditation Standards: 42.2.1(a); 42.2.9

Mass. Gen. Law:

Other: CI Forms 1-6 in Forms Book

I. GENERAL CONSIDERATIONS AND GUIDELINES

The Truro Police Department recognizes the importance of confidential sources of information. Such sources are often a prerequisite to the successful solution of many crimes, as well as being important in other areas of investigation. They may provide information those results in the prevention of violence or disruption of public order.

The courts have long upheld the use of confidential sources as legitimate and necessary tools for law enforcement to solve crimes and prevent criminal activity. Each police officer should be cognizant of the role of the confidential source and the need to use the source properly.

Police officers should cultivate all legitimate sources of information. This would include any person who provides information about criminal activity. This includes, but is not limited to, witnesses, other police officers, anonymous tips, and persons who may reveal information through casual conversation. These persons will not go through the accountability process listed in this procedure unless the officer (or the officer's supervisor) involved with the source of information needs a record of credibility.

The use of Cooperating Individuals requires detailed documentation and administrative control. All actions by the confidential Cooperating Individuals must be carefully supervised to provide investigative integrity. This policy will provide uniformity, accountability, protection to officers and the Truro Police Department in official actions with Cooperating Individuals, and will serve to enhance the effective use of Cooperating Individuals.

The procedures attempt a proper balance among several factors: law enforcement's dual needs to utilize information from sources within the criminal community and to protect the confidentiality of these sources; the justice system's requirement that police and prosecutors establish the credibility of Cooperating Individuals, and a police chief's duty to ensure a system of accountability in the handling of Cooperating Individuals.

II. POLICY

- A. It is the policy of the Truro Police Department that:
1. Cooperating Individuals may be used to enhance efforts to detect, investigate and prosecute criminals; and
 2. All necessary precautions shall be taken to protect the identity of Cooperating Individuals and guard against the misconduct or misuse of Cooperating Individuals.

III. DEFINITIONS

- A. *Source of Information:* Any person who provides information about criminal activity to the Truro Police Department. This includes, but is not limited to: witnesses, other police officers, anonymous tips, and persons who may reveal information through casual conversations. These persons will not go through the accountability process listed in this procedure unless the officer (or his/her supervisor) involved with the source of information needs a record of credibility.
- B. *Cooperating Individual:* A confidential source who:
1. Provides information in exchange for monetary or other lawful consideration;
 2. By virtue of providing information is directed by the contact officer to perform certain lawful acts;
 3. By his/her position or knowledge is solicited by the Truro Police Department to provide information to which [s]he has access; or
 4. Provides information about criminal activity in exchange for consideration in any criminal matters which are or may be pending against him/her.
- C. *Active Cooperating Individual/Source of Information:* One who is currently supplying information. Any individual source of information who has not supplied information for a one-year period shall be considered inactive.

- D. Contact Officer:* A police officer who maintains an ongoing professional relationship with a confidential source.
- E. Entrapment:* Activity on the part of a police officer that induces or lures an otherwise innocent person to commit a crime that [s]he did not contemplate committing. Entrapment is a defense to criminal charges. It is the implanting of criminal intent in the mind of the person. It includes acts of persuasion, coercion, trickery, or fraud carried out by law enforcement officers or their agents to induce a person to commit a crime which [s]he would not otherwise commit.
- F. Cooperating Individual File:* A blank folder containing pertinent information about a cooperating individual, including personal history, all consent forms as needed, working agreement, and the code of conduct form. All activity concerning this cooperating individual in this capacity only will be handwritten, on the activity form without utilizing the in house computer system or central records system. *(Revised September 16, 2003).*

IV. PROCEDURES

A. Development of Cooperating Individuals

1. Responsibilities of Contact Officer:

- a. When an officer has developed a confidential source of information whom [s]he intends to use again as an cooperating individual, wants to document the use of a source of information, or wants to activate an inactive cooperating individual, the officer shall:
 - i. Create a cooperating individual File containing:
[42.4.9(b)]
 - [a] Background information and necessary biographical data, including a master card information;
 - [b] Criminal history and record, including in house information, if any;
 - [c] Service record, if applicable;
 - [d] Recent photograph; and
 - [e] Fingerprints.

- ii. Include a hand written summary of the information possessed by the cooperating individual and its relative importance to the success of the investigation.
 - iii. Submit the information to the Investigator.
- b. After the investigator reviews the file, the Investigator shall:
- i. Create a code name or number for the Cooperating Individuals if needed. *(Revised September 16, 2003).*
 - ii. Complete the Personal History Form, all consent forms as needed, Code of Conduct Form, Working Agreement Form, Release Form and Activity Form. *(Revised September 16, 2003).*
 - iii. Review officers information to ensure accuracy. *(Revised September 16, 2003).*
 - [a] The contact officer shall maintain a *copy* of the confidential Cooperating Individuals file, and shall keep this copy locked and secure in his/her file cabinet.
 - [b] The original (master) cooperating individual file will contain only the signature of the Cooperating Individual's code name. This will be filed with the Investigator in a locked file cabinet in that office.
- c. CONTACT WITH COOPERATING INDIVIDUAL: Each time a cooperating individual supplies information concerning an investigation to the contact officer, [s]he will record the information, without assigning an incident number, and without using the in-house computer system. Such records will be typed or handwritten. The report will contain summary of the information received from the cooperating individual, whether or not the information is used at the time received, and a summary of any corroboration of the cooperating individual's information.
- i. The copy shall be retained by the contact officer for his/her file.
 - ii. The original will be forwarded to the Investigator to be placed in the master file.

- e. ALTERNATE CONTACT: Introduce the cooperating individual to a second officer designated by the Investigator, if possible. The cooperating individual should be told to contact the second officer during the times that the contact officer is unavailable. The Investigator can be the second officer.
- f. Officers shall keep the Investigator informed of relations and activities involving Cooperating Individuals.
- g. Maintain the security of the Cooperating Individuals files. *[42.4.9(d)]*
- h. Officers are to seek and accept only that information which furthers investigative activities and law enforcement responsibilities.
- i. The cooperating individual should be treated with consideration, regardless of his/her character, education, or occupation.
- j. The contact officer should be scrupulous in the fulfillment of all lawful and ethical promises which [s]he has made.
- k. The contact officer should attempt to determine whether or not the cooperating individual is being used by another law enforcement agency and/or officer to prevent duplication of effort.

2. *Responsibilities of Investigator*

- a. Determine the suitability of the cooperating individual and indicate approval or disapproval. If the cooperating individual file is incomplete for any reason, the Investigator shall weigh the importance to the investigation of the information the cooperating individual possesses against the value of the information missing from the Report in making his/her decision regarding the suitability of the cooperating individual.
- b. If the use of the person as an cooperating individual is disapproved:
 - i. State the reasons for disapproval in writing and include in the master file,
 - ii. Notify the contact officer of the decision, and
 - iii. File the master file in the Investigators office. Obtain the copy file from the contact officer and file with the master.

- d. If the use of the person as an cooperating individual is approved:
 - i. File the master file copy in the secured file cabinet in the Investigator's office.
 - ii. Return the contact officer's copy to the contact officer.
- e. Ensure the security of the cooperating individual's master file. The master file copy shall not, if possible, contain the name, address, or other personal information that could reveal the cooperating individual's identity. Each master file shall be locked at all times when not in use by the Investigator. [42.4.9(d)]
- f. Review the status of each active recorded cooperating individual or source of information on a bi-annual basis. When the file indicates that an cooperating individual has not been utilized for one year, The Investigator will notify the contact officer to discuss the cooperating individual's status.

B. Dismissing Cooperating Individuals

1. When behavior of an Cooperating Individuals reduces his/her credibility or does not meet performance criteria, the contact officer will notify the Investigator.
2. If the Investigator or the contact officer determines that the Cooperating Individual should no longer be used, a memorandum indicating why the Cooperating Individual was deactivated will be placed in the Cooperating Individuals file.
3. The Cooperating Individuals shall not be used again without the approval of the Investigator.
4. Any Cooperating Individual who has not supplied information for a one year period shall be considered inactive.

C. Maintaining Master Files

1. The Investigator shall maintain a secure master file of all active Cooperating Individual's or sources of information.
2. Each file in the master file shall contain the following information:
 - a. The master file copy of the current *master card*;

- b. The master file copy of the background history, code name and/or number if any, picture and fingerprints;
 - c. Copies of all reports, forms, logs and reports of contacts; and
(Revised September 16, 2003).
 - d. All funding expenditure requests and receipts.
3. Each Cooperating Individual's file shall be maintained for a minimum of ten years after the Cooperating Individual is declared inactive or disapproved.

D. Precautions with Cooperating Individuals

1. The Cooperating Individual should never be permitted to take charge of any phase of the investigation.
2. Meetings with Cooperating Individual should not be held at the police station or a court house, if possible.
3. The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.
4. If possible, the proper name of the Cooperating Individual should never be used in telephoning.
5. In correspondence with the Cooperating Individual, the Truro Police Department should never be identified, if possible.
6. **OPPOSITE SEX:** The contact officer should meet personally with a Cooperating Individual of the opposite sex only in the presence of another officer, if possible.
7. **PROBATION/PAROLE:** If it is known that a Cooperating Individual is on supervised probation or parole, the Contact Officer or investigator will coordinate with the Cooperating Individuals probation or parole officer to ensure that using the Cooperating Individual does not interfere with conditions of the probation or parole.
8. In order to avoid the risk that the Cooperating Individual's identity might have to be disclosed in court (or the prosecution dropped if it isn't), officers should:
 - a. Use Cooperating Individual's only for introductions while having an undercover officer develop the relationship with the target and execute the transaction;

- b. Prohibit the Cooperating Individual's involvement in planning an operation other than providing information;
 - c. Not permit the Cooperating Individual to participate in the criminal offense, unless absolutely necessary and should instruct the Cooperating Individual to leave as soon as possible after negotiations or transactions begin in a drug case;
 - d. Not permit the Cooperating Individual to be a witness to the criminal activity which will result in charges being brought against the suspect; and
 - e. Attempt to make the Cooperating Individual's testimony cumulative. For example, if the target in a drug case can be persuaded to bring a friend, the Cooperating Individual's testimony might be cumulative to what others present would say, and the Cooperating Individual's identity may not have to be revealed.
9. ESTABLISHING CREDIBILITY OF INFORMATION: The contact officer should attempt to establish the credibility and reliability of information supplied by the Cooperating Individual. Methods include, but are not limited to,
- a. Assessing any information previously provided,
 - b. Checking with other law enforcement agencies for whom the Cooperating Individual provided information,
 - c. Corroboration of details by other Cooperating Individual's or by police investigation,
 - d. Surveillance, or
 - e. The use of controlled test situations.
10. All pertinent information supplied by a Cooperating Individual should be independently investigated. This is particularly important in the early stages of a relationship with a Cooperating Individual to assist in evaluating his/her credibility and reliability.

E. Juvenile Cooperating Individuals [42.4.9(h)]

1. A juvenile Cooperating Individual may be used if:
 - a. Officers have met and discussed the involvement with at least one parent or legal guardian, and

- b. Obtained written permission from at least one parent or legal guardian.

NOTE: In the case of a juvenile whose parents are separated or divorced, permission shall be obtained from the parent having legal custody.

2. When meeting with a juvenile Cooperating Individual, two officers should be present.

F. Criminal Activity by a Cooperating Individual

1. Authorized Criminal Activity

- a. Cooperating Individual's sometimes gain authority from police officers for participation in activity which would otherwise be criminal. Such authorization must be carefully considered. Authorization for such activity shall be as follows:
 - i. The Chief of Police only must approve, in writing the use of a Cooperating Individual for activities which would otherwise be criminal. The Chief's approval should only cover activities in which there is little danger of violence, or corrupt action by a public official is not involved.
 - [a] The Chief may consult the advice of the District Attorney's Office before giving his/her approval.
 - ii. When authorizing activity which would otherwise be criminal, the Chief of Police shall attempt to ensure the following:
 - [a] There is minimal effect on innocent people;
 - [b] The Cooperating Individual is not the primary source of technical expertise or financial support;
 - [c] The Cooperating Individual's activity is closely monitored; and
 - [d] The Cooperating Individual does not directly profit from his/her participation beyond the plea agreement or compensation provided by the Truro Police Department.

2. *Unauthorized Criminal Activity*

- a. Unauthorized criminal activity by a Cooperating Individual shall be dealt with as follows:
 - i. An officer learning of unauthorized criminal activity by a Cooperating Individual shall notify the Investigator, who will in turn notify the Chief of Police.
 - ii. The Chief of Police shall:
 - [a] Decide whether or not to delay notification of appropriate law enforcement personnel;
 - [b] Decide whether or not to request appropriate authorities to delay or forego enforcement action;
 - [c] Decide whether or not to continue the use of the Cooperating Individuals; and
 - [d] Maintain detailed records of such incidents.
 - iii. Delaying Notification of Law Enforcement
 - [a] The Chief of Police must contact the District Attorney's Office from the affected jurisdiction if [s]he wants to delay notification of law enforcement authorities or request authorities not to take action. Only after contacting the District Attorney shall the Chief of Police make the decision to delay such notification or make such request and continue the use of the Cooperating Individual.
 - [b] In determining whether or not to delay notification of authorities, the Chief of Police shall consider:
 - [1] Whether the crime is completed, imminent or just beginning;
 - [2] The seriousness of the crime in terms of danger to life and property;
 - [3] Whether the crime is a violation of federal or state law, and whether a felony or misdemeanor;

- [4] The degree of certainty of the information regarding the criminal activity;
 - [5] Whether the appropriate authorities already know of the criminal activity and the Cooperating Individual's identity; and
 - [6] The effect of notification on any regional "task force" investigative activity.
- b. Under no circumstances shall any officer take any action to conceal a crime by a Cooperating Individual.

G. Funding

1. The Truro Police Department will maintain a Fund for the purpose of purchasing contraband and otherwise supporting intelligence operations. Funds may be used only for the following purposes:
 - a. Payment for information from Cooperating Individuals for probable cause to acquire a search warrant or to make an arrest;
 - b. Purchase of contraband; and
 - c. Expenses developing from an investigation where receipt of money from normal channels is not possible.

2. *Responsibilities of Chief of Police*

- a. The accounting system which documents funding activities will be controlled and operated by the Chief of Police.
- b. All requests for expenditures from the fund must be submitted in writing to the Chief of Police prior to any disbursements.
- c. Funds will be paid to a Cooperating Individual only after the Chief of Police has reviewed the amount to be paid the Cooperating Individuals and the results of the Cooperating Individual's work.

3. *Compensating Cooperating Individuals*

- a. Cash payments for information given, services rendered or expenses incurred will be made as follows:
 - i. All Cooperating Individual payments shall require two officers to be present.
 - [a] The Investigator shall make a written request in memo form for payment to the Chief, using the Cooperating Individual alias or code name and/or number, if possible. The Cooperating Individual shall sign the request using the assigned information if possible. *A copy of the request also serves as a receipt.*
 - [b] This request shall then be signed by two witnessing officers. The original shall be placed in the master file and one copy shall be retained by the contact officer for his/her file.
 - [c] All cash payments, and any other items purchased for an Cooperating Individual's personal benefit, must be recorded in writing in the Cooperating Individual's file.
 - ii. The request must list the reasons the Cooperating Individual is being paid, by whom and a brief summary of the investigation.
 - iii. Completed funding requests shall be treated as security sensitive information and shall not be disclosed to unauthorized personnel.
- b. If practical, money will not be paid until the case is completed or the information is checked.
- c. All transactions in which an Cooperating Individual receives funds for the purpose of purchasing goods or contraband will be witnessed by two officers, and
 - i. The Cooperating Individual will be thoroughly searched preceding the buy. If the Cooperating Individual's vehicle or residence is utilized in the investigation, a thorough search will also be conducted of those areas to which the Cooperating Individual had access.

- ii. The Cooperating Individual will be given funds, which have been recorded by serial number, for the purchase of contraband. The Cooperating Individual shall not purchase any contraband with his/her personal funds. To avoid error, all personal funds should be taken from the Cooperating Individual prior to contact with the suspect. The personal funds shall be returned to the Cooperating Individual immediately after the purchase.
- iii. When possible, constant surveillance will be conducted of the Cooperating Individual after the search and until [s]he meets with officers after the buy.
- iv. After the buy, the Cooperating Individual shall be thoroughly searched again. All evidence and narcotic funds will be retrieved from the Cooperating Individual. When possible, the entire process should be accomplished by the same officer, with the same witness.
- v. The Cooperating Individual shall be thoroughly debriefed, and a written statement, signed by the Cooperating Individual, shall be obtained. If a written report is not practical at that time, a statement shall include a complete description of the suspect, a detailed account of all circumstances and conversations involved in the transaction, and any other facts that may be of importance.

H. Accounting Procedures

1. The Chief of Police shall account for the Funds used for this purpose. This shall consist of a bound ledger book with sequentially numbered pages and the following entries made in ink:
 - a. The Cooperating Individual's code name or number only, if possible, or incident/case information.
 - b. Date of transaction;
 - c. Reason for the transaction;
 - d. The debit or credit made; and,
 - e. The balance of the account.

2. The account ledger book will run concurrently with the Truro Police Department's fiscal year and will be balanced monthly.
3. Truro Police Department funds will not be used for personal use, nor will they be mixed with personal funds.
4. All Truro Police Departmental funds will be produced upon demand.



TRURO POLICE DEPARTMENT

CONFIDENTIAL SOURCES OF INFORMATION

Personal Information Form

Name (Last, First, Middle)						Date of Original Report	
Address						Telephone	
C.I #		Identifier		Aliases			
DOB		Place of Birth		Citizenship		Ethnic Origin	
Race	Occupation		Sex	Height	Weight	Eyes	Hair
Miscellaneous Physical Characteristics							
Employer's Name and Address						How Long Employed?	
Social Security Number			Military Branch		Service Number		
FBI Number (Attach Rap Sheet)		Drivers License State Number		Exp.			
Automobile Make Year		License Plate State Number		J Education Level			
Criminal Associates, Files Mentioned In							
Places Frequented							
Source of Supply							
Family background							
Spouse			Address				
Father			Address				
Mother			Address				
~		Signature of Informant					
Photo Attached Yes <input checked="" type="radio"/> No							
Agent's Name & Signature						Date	Unit #
Authorizing Supervisor's Signature						Date	Unit #



TRURO POLICE DEPARTMENT
CONFIDENTIAL SOURCES OF INFORMATION
Cooperating Individual Claim
Release Form

WHEREAS, _____, registered as a confidential informant with the
(Print or Type Name)

HEREIN REFERRED TO AS the Agency,
(Agency Name)

and requests permission to act as a confidential informant, including riding with police officers in government owned, vehicles or privately owned vehicles, accompanying and helping police officers as confidential informants an, knowingly engaging in occasional hazardous situations.

WHEREAS, it is understood that the Agency, cannot accept responsibility for or guarantee the safety of such individual! when acting in such a capacity as confidential informants; now, therefore,

BE IT AGREED as follows:

That in consideration of his/her being permitted to act as a confidential informant for police officers the undersigned hereby voluntarily assumes all risks of accident, injury, or damage to his/her person and property and hereby releases and discharges the Agency, its employees and agents; including but not limited to police officers of the Agency, from ever} claim, liability, or demand of any kind for or on account of any personal injury or .damage, or injury or damage to property of any kind sustained whether caused by the negligence of the Agency, its agents or employees, including but not limited to police officers, or otherwise.

The undersigned hereby also agrees to hold the agency, its agents and employees, including but not limited to police officers, harmless from any claim, liability, or demand of any kind which may arise against any or all of them resulting in any way from his/her acting as a confidential informant for the Agency, or accompanying a police officer or officers in the performance of their duties.

Dated this _____ day of _____, 20_____, at _____ (Location)

Informant Signature

Informant ID Number

Witness

Witness

Controlling Officers Printed Name & >D Number

Supervisors Printed Name & ID Number

Controlling Officers Signature

Supervisors Signature



TRURO POLICE DEPARTMENT

CONFIDENTIAL SOURCES OF INFORMATION

Code of Conduct

the undersigned clearly understands that while I am

(Typed or Printed Name)

assisting and cooperating with the

_, I am forbidden from and

will not commit any of the following acts or engage in any of the following activity:

- 1. I will not sell, deliver, or possess any controlled substances, illegal or illicit drugs or any substances purported to be the same, at any time.
2. I will not sell, deliver, or cause to be sold or delivered any controlled substances, illegal or illicit drugs, or any substances purported to be the same, to any person who would in turn sell or deliver the substances to any other person.
3. I will not use my sex, sexuality, or any sexual activity, to induce, or persuade anyone to sell or deliver any controlled substances, illegal or illicit drugs, or any substances purported to be the same, or engage in any criminal activity.
4. I understand that I cannot search anyone, any place, or any thing for any reason.
5. I understand that I cannot carry a firearm or weapon for any reason or at any time.
6. I have had what constitutes entrapment explained to me, completely understand it, and will not engage in any such activity at any time.
7. I agree not to discuss, disclose, or communicate in any way, to anyone, any information regarding any investigation or activity, that I may be involved in or aware of.
8. I understand that any violations of the code of conduct, or any violations of law will be fully investigated with appropriate action being taken, including criminal prosecution for any criminal violations.
9. I understand that no officer has the authority to make any promises or predictions regarding any criminal charges that I may have pending against me. This does not preclude the officer from meeting with the prosecutor to discuss my assistance and cooperation and to make requests for consideration.
10. I understand that I am cooperating of my own free will and not as the result of any promises, or any intimidation, or threats.

Dated this day of , 20 , at

(Location)

Informant Signature

Informant ID Number

Witness

Witness

Controlling Officers Printed Name & ID Number

Supervisors Printed Name & ID Number

Controlling Officers Signature

Supervisors Signature

TRURO POLICE DEPARTMENT

CONFIDENTIAL SOURCES OF INFORMATION

Working Agreement



..., the undersigned clearly understands that while I am assisting and cooperating with the

I am forbidden from and will not commit any of the following terms of behavior:

I agree to be truthful to my controlling officer and the agency at all times and will answer all questions and inquiries made upon me to the

- 2. I agree to submit to a polygraph test whenever requested by my controlling officer or the agency.
3. I agree to submit to a urinalysis test whenever requested by my controlling officer or the agency.
4. I agree to strictly abide by and not violate any laws including narcotics and drugs laws.
5. I agree to submit to a search of my person, my possessions, and any vehicle that I may have in my possession, whenever requested by my controlling officer or the agency.
6. I agree to notify my controlling officer of any contact with other law enforcement officers or agencies.
7. I agree to strictly follow and adhere to all established rules and procedures.
8. I understand that however unlikely, there is a possibility that my identity may have to be disclosed and that I may be required to testify in
9. I agree to advise my controlling officer of any and all criminal activity that I become aware of.
10. I agree to advise my controlling officer of any and all suspected police corruption that I become aware of.

Dated this day of , 20, , at

Informant Signature

Informant ID Number

Witness

Witness

Controlling Officers Printed Name & ID Number

Supervisors Printed Name & JD Number

Controlling Officers Signature

Supervisors Signature



TRURO POLICE DEPARTMENT
CONFIDENTIAL SOURCES OF INFORMATION
Concealed Transmitter/Recording
Consent Form

I, _____ give permission to the officers of the
(Print or Type Name)

_____ to conceal a transmitter and/or
(Agency Name)

recording device on me or about my person. The purpose of this transmitter and/or recording device is to monitor and/or record conversations between myself and anyone that I have a conversation with.

This consent is given of my own free will. No promise, threat, or coercion of any kind was used in order to obtain my consent.

Dated this _____ day of _____, 20____, at _____
(Location)

Informant Signature
Witness
Controlling Officers Printed Name & >D Number
Controlling Officers Signature

Informant ID Number
Witness
Supervisors Printed Name & ID Number
Supervisors Signature



TRURO POLICE DEPARTMENT

CONFIDENTIAL SOURCES OF INFORMATION

For Confidential Sources Of Information

FILE REFERENCES

Informant Activity Record

1.	2.	3.
4.	5.	6.
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13.	14.	15.
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Remarks: